SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

EXECUTIVE OFFICER'S REPORT

December 11, 2002

PART A
SAN DIEGO REGION STAFF ACTIVITIES *(Staff Contact)*

1. American Public Works Association Workshop – "*Wetland Requirements and Your Stormwater Permit"* *(Mike Porter and James Smith)*
The San Diego (Region 9), Santa Ana (Region 8) and Los Angeles (Region 4) RWQCBs' Executive Officers and staff participated at the American Public Works Association (APWA) Workshop, titled, *Wetland Requirements and Your Stormwater Permit*. The workshop has held on November 20, 2002, in Downey, CA. The half-day workshop focused on (1) Waters of the State; (2) Compliance with 401 and NPDES Requirements; and (3) TMDLs and their Effect on Public/Private Projects.

Dennis Dickerson (Region 4), John Robertus, and Mark Adelson (Region 8) presented information on what constitutes Waters of the State and how they differ from Federal Waters. Raymond Jay (Region 4), Kelly Schmoker (Region 8) and Mike Porter (Region 9) presented information on Clean Water Act Section 401 Water Quality Certifications (401s) and Municipal NPDES Permit requirements (Municipal Permits). Information was presented that described exactly what 401s are, their purpose, how they are triggered and how they relate (or don't) to Municipal Permits. Additional views were presented on how to avoid the 401 process through thoughtful planning and engineering design (avoidance design). Bill Rice (Region 8), Jimmy Smith (Region 9) and Melinda Becker (Region 4) presented information on Total Maximum Daily Loads (TMDL). Emphasis was placed on the relationship of Clean Water Act Section 303(d) to National Pollution Discharge Elimination System (NPDES) permits, how water bodies are targeted for TMDL development, and on the components of the TMDL itself.

Information was also presented on how waters of the State could be protected and improved through thoughtful urban planning, properly locating structural stormwater Best Management Practices, and unearthing/dechannelizing streams where possible.

2. Work Party in Honor of Greig Peters *(Bruce Posthumus)*
Greig Peters was a highly respected SDRWQCB environmental scientist who passed away in November 2001. Greig devoted much of his professional life to protecting and restoring the riparian corridors, estuaries, lagoons, and other wetlands of the San Diego region. As a way of remembering and honoring Greig, eleven SDRWQCB staffers joined more than thirty-five other volunteers, including Greig's family, to remove non-native invasive plants, plant native plants, and do other restoration and cleanup work at Famosa Slough on Saturday, November 9. Helping to do some of the hands-on labor that is

involved in the protection and restoration of wetlands, such as Famosa Slough, seemed a fitting way to honor Greig's memory. Greig lived near the slough, which is a small remnant of the once large wetland complex at the mouth of the San Diego River. Although it is small, Famosa Slough provides an important and valuable water quality-sensitive habitat for many species of birds, fish, plants, and other organisms. A number of species of birds were observed during the work party. More information about Famosa Slough and Friends of Famosa Slough, the group that organizes every-other-month work parties at the slough, is available at www.geocities.com/famosa_slough and http://communitylink.sdinsider.com/servlet/groups_ProcServ/dbpage=cge&gid=0002600000101710189211710 6&pg=000260000010171018922942 11.

Greig is greatly missed, but he and his contributions will not be forgotten, and he continues to inspire SDRWQCB staff. In memory of Greig, SDRWQCB staffers plan to join another work party sometime in mid-2003, at another place Greig worked to protect and restore.

3. Municipal/Construction Storm Water Permit Presentation (*Benjamin Tobler*)
On November 6, 2002, Water Resources Control Engineer Benjamin Tobler of the Southern Watershed Protection Unit conducted a NPDES Municipal/Construction Storm Water Permit presentation for City and County employees of municipal storm water Copermittees in the southern half of the San Diego Region. The presentation, given at the City of Poway's Operation Center, focused on the integration of the Statewide General Construction Storm Water Permit requirements with the Municipal Storm Water Permit construction requirements. The presentation briefly described problems Regional Board staff have observed at construction sites, effective Best Management Practices (BMPs) for construction sites, the design and use of cost effective post-construction BMPs, and documentation of problems should the Copermittee ask for the Regional Board's assistance in attaining compliance. The intent of this presentation was to continue working with the Copermittee's storm water staff and to develop a stronger working relationship with the Copermittees.

PART B
SIGNIFICANT REGIONAL WATER QUALITY ISSUES

1. Sanitary Sewer Overflows (SSO) *(Victor Vasquez, Chiara Clemente, David Hanson, Bryan Ott) (Attachment B-1)*
In November 2002, there were 24 sanitary sewer overflows from publicly-owned sewage collection systems reported to the Regional Board office; 13 of these spills reached surface waters or storm drains, and three resulted in closure of recreational waters. Of the total number of overflows from public systems, seven were 1,000 gallons or more. Regional Board staff has updated the sewer overflow statistics for each sewer agency by fiscal year since FY 1998-99 in the attached table entitled "Sanitary Sewer Overflow Statistics."

Seven sewage overflows from private property were also reported in November; two of which were 1,000 gallons or more. Four of the private property spills reached surface waters or storm drains, and one resulted in closure of recreational waters.

A total of 0.32 inches of rainfall was recorded at San Diego's Lindbergh Field in November. For comparison, in October 2002, 0.04 inches of rainfall was recorded, and 36 public SSOs were reported; in November 2001, 0.99 inches of rainfall was recorded, and 22 public SSOs were reported.

One Notice of Violation (NOV), with a Request for Technical Information (RTI), was issued in November for a recent significant overflows. The NOV was issued to the following agency:

County of San Diego
The County of San Diego (County) reported a 12,135-gallon sanitary sewer overflow from the County's collection system in Alpine that occurred on October 3, 2002. The overflow was reported as a force main rupture caused by a County contractor conducting street repair work. The discharge soaked into a dry creek bed in Chocolate Canyon, tributary to and approximately 1.5 miles upstream of the El Capitan Reservoir.

Workshop to Discuss Order No. 96-04 Prohibition
The public workshop on sewage overflows requested by Fallbrook Public Utility District (FPUD) has been scheduled for Friday, December 6, 2002, 9:00 a.m. to noon. The workshop will be conducted by a two-member panel of the Regional Board and will be held in the Regional Board Meeting Room. The workshop will provide a forum to discuss Prohibition A.1 of Order No. 96-04, which prohibits all discharges of sewage from a collection system upstream of a wastewater treatment plant. FPUD has petitioned the Regional Board to consider affirmative defenses and provide relief from the prohibition in certain instances. At a future regular meeting of the Regional Board, the panel will report on the proceedings of the workshop and may make recommendations for the Board's consideration.

2. Clean Water Act Section 401 Water Quality Certification Actions Taken in November 2002 *(Stacey Baczkowski)*

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	CERTIFICATION ACTION
11/5/02	1) Poway Unified School District, 2) Garden Communities, and 3)City of San Diego	Torrey Ranch	Residential development, elementary school, and city park on 38.2 acres.	Conditional
11/5/02	Vista Unified School District	Guajome Park Academy	Expand school site and construction of temporary and permanent facilities.	Conditional

11/14/02	Richard A. Oas	Oas Residence	Estate lot development on a 2.1 acre site including construction of a 10,000 sq. ft. house; a 7000 sq. ft barn; a 30,000 sq. ft. equestrian riding area; a 300 ft. extension of an existing 48" rcp storm drain	Standard
11/14/02	City of San Diego Metropolitan Wastewater Department	Lopez Canyon Emergency Sewer Access	Emergency maintenance of sewer line to prevent sewer spill.	Conditional
11/21/02	City of San Diego Metropolitan Wastewater Department	Lake Murray Emergency Sewer Access	Emergency maintenance of sewer line to prevent sewer spill.	Conditional
11/22/02	Olivenhain Municipal Water District	Reclaimed Water Line, Storage Tank, and Access Road	OMWD will construct a one million-gallon water storage tank, reclaimed water line, and access road within the northeastern portion of the unincorporated community of 4S Ranch.	Standard
11/26/02	Padre Dam Municipal Water District	Dunbar Lane Water Line Extension	The project would extend a water line approximately 1,400 feet starting within Dunbar Lane and ending in Silva Road.	Standard

Public notification of pending 401 Water Quality Certification applications can be found on our web site at http://www.swrcb.ca.gov/rwqcb9/Programs/Special_Programs/401_Certification/401_certification.html.

3. Aliso Creek 13225 Directive for an Investigation of Urban Runoff, 6th Quarterly Progress Report (*Jeremy Haas*)

On October 31, 2002, the County of Orange, on behalf of the Cities of Aliso Viejo, Laguna Beach, Laguna Hills, Laguna Niguel, Laguna Woods, Lake Forest, and Mission Viejo, submitted the sixth quarterly progress report covering July, August, and September 2002. The report includes monitoring data, activities taken during the quarter, and planned actions for each copermittee (action plans). Receiving water data continues to show exceedances of REC 1 and REC 2 objectives in most samples. The Cities are concurrently preparing jurisdictional urban runoff management programs (JURMPs) pursuant to Regional Board Order No. R9-2002-01, the municipal separate storm sewer system NPDES permit (MS4 permit). As a result, staff offered to meet with each copermittee to discuss incorporation of the action plans developed for Aliso Creek into the JURMPs. In November, staff met with Aliso Viejo, Laguna Niguel, and Mission

Viejo. Staff informed those cities that the JURMPs should commit to corrective measures for addressing bacteria inputs to Aliso Creek, and that the JURMPs must include the expectations of those corrective measures and a plan for assessing their effectiveness. On December 3, 2002, staff met with all the Aliso Creek copermittees to discuss the quarterly progress report and planned activities, and staff reiterated to the group our expectations for the JURMPs. Staff is preparing letters to each Aliso Creek copermittee stating our expectations in the JURMP with respect to bacteria in the Aliso Creek watershed.

Summary of Receiving Waters Data:

Monitoring Summary for the Sixth Aliso Creek Directive Reporting Period

	Evaluations Meeting REC-1*	Evaluations Meeting REC-2*
Reporting Period	6th Quarter (July-Sept. 2002)	6th Quarter (July-Sept. 2002)
Storm drains	1/99 (1%)	6/105 (6%)
Upstream	2/85 (2%)	43/90 (48%)
Downstream	0/88 (0%)	31/93 (33%)

* Evaluations are consistent with REC-1 and REC-2 water quality objectives, which require 5 samples over a 30-day period. The mean, therefore, of one 5-sample evaluation of a stormdrain met the standard for REC-1 and 6 evaluations of stormdrain samples met the REC-2 objective. Up to 37 monitoring locations were each evaluated three times during the reporting period.

In the watershed overall, the geometric mean concentration of fecal coliform from all stormdrains was statistically greater in the sixth quarter relative to the fifth and fourth quarters, and the copermittees attribute this to a seasonal effect. The sixth quarter data was also compared relative to the same three-month period in 2001. Collectively, there was no significant difference in fecal coliform levels between the years, but six stormdrains showed significant differences between the years. Four stormdrains had higher concentrations and two had lower concentrations. In addition, for both years fecal coliform levels in receiving waters downstream of five stormdrains were significantly greater relative to upstream of the discharges. The mouth of Aliso Creek met the REC-2 objective during July and August, and the surfzone monitoring point met the REC-1 objective in all three months.

Copermittees' Response to Monitoring Data:

The copermittees report various source identification and illicit discharge detection activities, mostly based on reconnaissance and inspections, that have been conducted in priority drainage areas. Suspected sources of bacteria identified by the copermittees include those from residential, commercial, and construction areas. Irrigation runoff has been identified as a primary delivery mechanism for several suspected sources. Cities

have implemented various BMPs, including education, enforcement, new regulations, and structural treatment methods. There has been minimal testing of the effectiveness of management measures, however, other than stormdrain outfall testing. Staff believes, however, that BMP effectiveness has not been adequately measured because assessment of outfall data does not effectively gage the impact of site-specific BMP implementation. Instead, use of outfall data for BMP assessment assumes that all other sources within the particular drainage area remain constant, when in fact they may be variable. Staff will inform the copermittees that the actual performance of BMPs must be assessed, and that the JURMP must describe an effective process for assessment of measures in order for the iterative process to be adequately implemented.

4. Lake San Marcos Water Quality *(James Smith)*
In response to comments made during the Public Forum of the November 2002 Board Meeting, Board Member Gary Stephany requested additional information on the water quality of Lake San Marcos.

Lake San Marcos is a privately owned, man-made lake located in the Carlsbad Hydrologic Unit (904.52), just south of highway 78. Its beneficial uses are Agricultural Supply, Contact and Non-contact Water Recreation, Warm Freshwater Habitat and Wildlife Habitat. It lies within the San Marcos Creek corridor, which drains into Batiquitos Lagoon. San Marcos Creek was dammed in the 1960s and a planned community grew around the newly formed lake. The lake itself lies within the jurisdictional boundaries of the County of San Diego, while the up and down stream portions of San Marcos Creek are in the city of San Marcos.

The Lake San Marcos Community Association and other concerned citizens have suspected several water quality problems. The suspected problems include high turbidity, oil, detergents, abnormal fish growth, eutrophication, low dissolved oxygen, raw sewage, un-named toxins, fish kills and excessive nutrients. Limited photographic and water column chemistry data was presented during the past year in support of a Clean Water Act Section 303(d) listing for Lake San Marcos as an impaired water body. The evidence was too finite for a proper assessment to be made, and the water body was not recommended for the Section 303(d) list. However, Lake San Marcos was recommended to be placed on a Watch List for further investigation into potential low dissolved oxygen problems.

During 2002, the Carlsbad Hydrologic Unit (HU) was one of two HUs targeted for assessment by the Surface Water Ambient Monitoring Program (SWAMP). Limited resources did not allow the lake itself to be assessed, but assessment did occur at a site upstream on San Marcos Creek. Preliminary chemistry and toxicity data for this upstream site will be available soon. Additionally, the City of San Marcos is conducting dry weather monitoring in San Marcos Creek. Currently, no routine monitoring is taking place at the lake.

Water quality problems are highly likely at Lake San Marcos. Lawns often extend right to the edge of the lake. Fertilizers, pesticides and herbicides probably enter the lake directly and through irrigation and storm water run-off. Sedimentation is another problem suspected by Regional Board Staff. The assortment of problems associated with an urban stream is compounded as the pollutants are allowed to accumulate in the artificial lake. The lake then serves as a source of pollutants to Lower San Marcos Creek, Batiquitos Lagoon and the Pacific Ocean. Only with additional ambient monitoring can the problems suspected in Lake San Marcos, and probably common to most of the Region's surface waters, be substantiated.

5. Phase II Storm Water Permits *(Phil Hammer)*

The State Water Resources Control Board (SWRCB) held public hearings on December 2, 2002 to consider adoption of the Phase II Municipal and Construction Storm Water Permits. The Phase II Municipal Storm Water Permit will be a statewide general permit, meant to apply to small municipal separate storm sewer systems (MS4s) throughout the state. Small MS4s include small cities not already covered under the Phase I regulations, as well as governmental facilities that operate their own MS4s. Within the San Diego Region, the general permit will regulate governmental facilities, rather than small municipalities, since all small municipalities in the region are already covered under the Phase I regulations. Governmental facilities which will need coverage under the permit include military installations, school districts, universities, colleges, district agricultural associations (e.g. Del Mar Fairgrounds), and prison complexes. There are approximately 90 of these facilities within the region. While this adds significantly to the region's number of municipal storm water permittees, oversight of each facility is not anticipated to be as intensive as for large Phase I copermittees, due to the relatively small size of many of the Phase II facilities.

At the December 2, 2002 public hearing, the SWRCB declined to adopt the Phase II Municipal Storm Water Permit. The SWRCB requested their staff to address several issues, prior to reconsideration of adoption of the permit in late January 2003. These issues included time extensions for school districts, post-construction best management practice requirements (such as Standard Urban Storm Water Mitigation Plan [SUSMP] requirements), and receiving water limitations (requiring compliance with water quality standards). Upon adoption of the Phase II Municipal Storm Water Permit, each of the governmental facilities in our region must submit and begin implementation of an effective storm water management program by March 10, 2003.

At the November 13 Regional Board meeting, Board members expressed concern about coordination of the Phase II storm water permits for federal facilities with the recently adopted NPDES permits for the U.S. Navy installations at Point Loma and Naval Base 32nd Street. These NPDES permits, as well as the draft permit for Naval Station North Island, regulate discharges of industrial storm water. Due to the size of the installations and the variety of activities that take place, municipal storm water is discharged and may be co-mingled with industrial storm water. Staff is reviewing the draft Phase II Municipal Storm Water Permit and will take the necessary steps to ensure the Phase II

requirements and implementation are coordinated with the industrial storm water requirements**.**

The construction permit for Phase II construction sites was adopted by the SWRCB on December 2, 2002. It was essentially an expansion of the Phase I Statewide General Construction Storm Water Permit, whereby the Phase I permit was edited so that it now applies to both Phase I and Phase II construction sites. The Phase I construction permit originally applied to all construction sites larger than five acres; the permit now applies to all construction sites larger than one acre. All other requirements of the permit have essentially remained the same. Under the permit, any site larger than one acre under construction on March 10, 2003 must be in compliance with the permit.

The addition of Phase II facilities will significantly impact the Board's storm water workload. The number of construction sites between 1 and 5 acres and the required document review and interaction with approximately 90 small MS4 facilities is expected to be significant. No additional resources were allocated this fiscal year to the Regional Boards to oversee Phase II permits.

6. Status of Waste Discharge Requirements for Proposed Subsurface Disposal System Near Lake Cuyamaca, San Diego County *(Bryan Ott)*
At its November 13, 2002 meeting, the Regional Board determined the California Environmental Quality Act (CEQA) documentation provided by the Lake Cuyamaca Recreation and Park District (hereinafter District) to be incomplete, and hence did not take action on tentative waste discharge requirements for the subject proposed septic system with sub-surface leach field infiltration disposal. The Regional Board closed the public comment period on the item, but indicated that they would reconsider the matter at a future meeting provided the necessary CEQA documents were submitted to the Regional Board.

At the District's request, Regional Board staff met with representatives from the District on November 15, 2002 to discuss the status of the project and to develop a course of action. The District provided staff what it believed to be the missing CEQA information requested by the Board at the November 13 meeting.

Upon review of the additional information, staff found that the District erroneously determined the project to be exempt from CEQA under California Code of Regulations, Title 14, Section 15061. Operating under this assumption, the District did not document an assessment of environmental consequences, which lead to a determination that the project would not have a significant environmental impact. It should also be noted that the District failed to file its Notice of Determination with the State Clearinghouse.

Staff counsel has determined that the supplemental documentation provided by the District to the Regional Board following the November 13 meeting does **not** satisfy the need for CEQA compliance by the District as the lead agency. As a consequence of the District's avoidance of an environmental impact assessment and disclosure obligations as

lead agency, the next responsible regulatory agency that issues a discretionary authorization for the project becomes the new lead agency. Hence, the Regional Board must now assume the role of "lead agency" for the issuance of waste discharge requirements and compliance with CEQA, either by making its own determination of exemption, or by preparing the requisite CEQA documentation (EIR or Neg. Dec.). While the Regional Board assumes the lead role in completing the CEQA documentation, the cost incurred by the Regional Board will be paid by the District.

To fulfill the requirements of CEQA, staff counsel recommends that the Regional Board conduct a "scoping" meeting to determine what consequences for the physical environment might be associated with the District's plan to dispose of septic tank wastes at the proposed leach field. It is anticipated that this scoping process may allow the Regional Board to undertake a focused environmental impact analysis rather than a comprehensive analysis of the full range of possible impacts. An additional consideration in the environmental assessment process is the issue of the Williamson Act. The District will have to clarify the Williamson Act issues raised by opponents of the project.

The District will be asked to deposit with the Regional Board an amount calculated to reimburse the Regional Board for any expenses the Regional Board may incur in its role as lead agency under CEQA, and should be prepared to support the Regional Board's environmental impact assessment and documentation process with all necessary information.

Until the Regional Board has made its own determination of the possible environmental consequences of the project, the Regional Board will not be able to adopt waste discharge requirements. Once the Regional Board's CEQA process is complete, then the CEQA document and the tentative waste discharge requirements will be presented to the Regional Board for approval.

7. Promenade Mall Development Corporation, Promenade Mall Dewatering Discharge
(Rebecca Stewart)

On May 12, 2002 the Regional Board considered the imposition of mandatory minimum penalties against Promenade Mall Development Corporation (Promenade) in Pacific Beach. During the enforcement hearing, representatives of Promenade testified that had they been made aware the violations were subject to mandatory minimum penalties sooner in the process, corrections would have been made to the dewatering equipment, thereby eliminating many of the violations and the associated mandatory penalties. During the hearing it was also disclosed that Promenade's discharge enters a City storm drain equipped with an interceptor that diverts a portion of dry-weather flows from entering Mission Bay. The interceptor, when activated, diverts the flow to the sanitary sewer system for treatment at the Pt. Loma sewage treatment plant. Ultimately, the Regional Board took no action on whether to impose penalties. Instead the Regional Board directed staff to consider how much of the penalty could be deferred to pollution prevention plans or a compliance project.

Since that time, the City of San Diego and Promenade have been negotiating on conditions to allow a permanent connection for Promenade's dewatering discharge into the sanitary sewer system. Hopefully this process can be concluded soon. Meanwhile, Promenade has reported a chronic toxicity violation in its June 2002 monitoring report on a day when the discharge entered Mission Bay. This recent violation will not result in mandatory minimum penalties because it is the first chronic violation in the six month period. Promenade also reported for one day in September 2002 a high value for total suspended solids that would have been a violation had the discharge that day discharged to Mission Bay. Fortunately on that day the discharge was diverted by the interceptor to the sanitary sewer.

8. Proposed New Technology To Reduce Energy Costs At Sewage Treatment Plants *(Brian Kelley)*

Mr. Gerhardt Van Drie, with AAA New Buoyancy/Gravity Mixer Co., Inc., approached the Regional Board during the public forum item at the October 9, 2002 meeting to describe his new technology for efficient mixing at wastewater treatment plants. He reported that he has developed a system that uses buoyancy and gravity to obtain mixing while improving efficiency and reducing energy costs. He explained that this system could be applied to sewage treatment plants for use in their aeration tanks or other areas that require constant mixing. He also expressed his wish to be able to give the Regional Board a demonstration of the system using pilot scale equipment.

As directed by the Regional Board, staff has obtained more information on Mr. Van Drie's system. Mr. Van Drie submitted a brief description of his technology with a photo of his pilot scale project in use at a sewage treatment plant facility. Although his system might have some merit, the information provided by Mr. Van Drie is quite limited. From the photo of the demonstration project and subsequent discussions with Mr. Van Drie, it appears that he has not adequately scaled up the demonstration device to evaluate efficiencies or cost savings in any specific application. Staff does plan to set up a time for Mr. Van Drie to demonstrate his system at the Regional Board office for those staff who may have an interest in this new technology.

Staff also plans to send Mr. Van Drie a letter informing him of our initial impressions and direct him to the California Environmental Technology Certification Program (CalCert) established by the California Environmental Protection Agency (CalEPA). CalCert is a program that conducts independent, recognized scientific and engineering evaluations of environmental technology performance. Technology manufacturers and technical developers define their performance claims and submit supporting data to CalEPA staff. CalCert staff then review the information, and, where necessary, may request additional testing to verify claims. The technologies, equipment and products that are fully evaluated and validated receive certification verifying their performance claims.

9. Annual Fee Collection Status Report Update for FY 2001 *(Mark Alpert)*

In the November 2002 Executive Officer's report, Regional Board staff informed the Regional Board of the State Water Resources Control Board decision to drop all fees

owed by federal agencies subject to Waste Discharge Requirements. For the San Diego Region, this amounted to approximately $300,000. The Regional Board also placed a high priority on aggressively pursuing the remaining amount of outstanding annual fees. In particular, these efforts would focus on the remaining fiscal year 2001 non-payers and to the upcoming 2002 billing cycle.

The efforts by the Regional Board have been highly successful. In a recent State Board report, the outstanding annual fees for the WDR program for FY 2001-02 for the San Diego Region is now zero, while the statewide balance is approx. $270,000. San Diego is the only Region with no outstanding balance remaining for FY 2001-02. Overall, the total amount of outstanding fees still owed the San Diego Region for both the WDR and Stormwater programs has been reduced by more than 60% to $190,540 for the period 1993-2001.

Outstanding Annual WDR and Storm water Fees
San Diego Regional Board

Data as of 11-30-02

FY	**StormWater**	Annual Fees	Total
1	$19,000	$0	$19,000
0	$23,000	$10,000	$33,000
99	$20,500	$1,200	$21,700
98	$9,900	$4,700	$14,600
97	$5,250	$6,900	$12,150
96	$2,090	$2,200	$4,290
95	$1,000	$2,000	$3,000
94	$500	$65,600	$66,100
93	$500	$16,200	$16,700
total	$81,740	$108,800	$190,540

10. Aerial Spraying for Insect Pests *(Pete Michael) (Attachment B-10)*
Two projects may take place within San Diego County to control insect pests. One activity is regulated under the Agriculture Code and the other under both the Water Code and Agriculture Code.

West Nile Virus: A proposed project for the West Nile Virus, should the project be needed, would be to control mosquitoes through a spraying program. The County of San Diego has applied for coverage under the State Water Resources Control Board's (State Board's) Order 2001-12-DWQ, *Statewide General NPDES Permit for Discharges of Aquatic Pesticides to Waters of the United States*, and has filed information with the Regional Board documenting proposed materials and methods. The State Board issued the general permit in response the Ninth Circuit Court's March 2001 opinion,

Headwaters Inc. v. Talent Irrigation District. The Court held that the District should have applied for a permit under the federal Clean Water Act because the District intended to apply pollutants directly to waters of the United States.

Should test animals test positive for West Nile Virus, San Diego County Vector Control intends to launch a vigorous control program for protection of human health. The County adheres to an integrated pest management approach and the materials to be used are not expected to cause water quality problems. The County would submit reports to the Regional Board documenting the implementation of this program under the State Board's aquatic pesticide general permit.

Mexican Fruit Fly: The San Diego County Director of Emergency Services declared a Local Emergency on November 22, 2002 for the infestation in citrus crops by the Mexican Fruit Fly in the Valley Center area. Individual growers have begun spraying malathion bait from helicopters, and further controls may be necessary. Because irrigation return water is exempt from coverage under the State Board's aquatic pesticide emergency general permit, no approval by the San Diego Regional Board is needed for this activity. Such spray programs are regulated by USEPA under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), by the California Department of Pesticide Regulation under the California Agriculture Code, and by county agricultural commissioners under use permits.

The County's local emergency declaration is attached.

PART C
STATEWIDE ISSUES OF IMPORTANCE TO THE SAN DIEGO REGION

There is nothing to report in Part C this month.